

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

-----X
PAUL DIPIETRO,
MARIE L. ZWEIG

Plaintiffs,

-against-

NEW YORK STATE UNIFIED COURT SYSTEM, et al.,

Defendants.
-----X

Ind. No. 22-CV-7943
(BMC)

**DECLARATION OF
MICHAEL J. SIUDZINSKI
IN SUPPORT OF
MOTION TO DISMISS**

MICHAEL J. SIUDZINSKI, an attorney duly admitted to the Bars of this State and this Court, declares and states as follows, under penalties of perjury:

1. I am an Assistant Deputy Counsel in the office of Counsel for the New York State Office of Court Administration, attorney for defendants the New York State Unified Court System (“UCS”) and the Office of Court Administration (“OCA”) in this action.

2. I submit this declaration in support of UCS and OCA’s motion to dismiss on the grounds asserted in the Letter to the Court, dated March 6, 2023, and the accompanying Memorandum of Law, dated March 13, 2023.

3. Attached hereto as Exhibit A is a copy of UCS’ COVID-10 vaccination policy memorandum, dated September 10, 2021, issued to all UCS employees.

Plaintiff DiPierro’s Division of Human Rights Complaints and Related Litigation

4. Attached hereto as Exhibit B is a copy of Plaintiff DiPierro’s September 23, 2021, request to be exempt from UCS’ COVID-19 vaccine mandate.

5. Attached hereto as Exhibit C is a copy of UCS’ November 9, 2021, letter to

Plaintiff DiPierro denying his request and directing him to comply with the vaccine mandate.

6. Attached hereto as Exhibit D is a copy of UCS' March 21, 2022, notice to Plaintiff DiPierro that he was not in compliance with the UCS Vaccine Policy.

7. Attached hereto as Exhibit E is a copy of UCS' April 7, 2022, letter to Plaintiff DiPierro notifying him that his employment with UCS was terminated effective that day.

8. Attached hereto as Exhibit F is a copy of Plaintiff DiPierro's first complaint (Case No. 10214629), dated December 9, 2021, made to the New York State Division of Human Rights ("SDHR").

9. Attached hereto as Exhibit G is a copy of UCS' March 10, 2022, Position Letter submitted to the SDHR in response to Plaintiff DiPierro's Complaint (Case No. 10214629), without exhibits. Please note that all exhibits submitted by UCS in support of its Position Letter are included herein as attachments to this declaration.

10. Attached hereto as Exhibit H is a copy of Plaintiff DiPierro's undated Letter, submitted to the SDHR in response to UCS' March 10 Position Letter.

11. Attached hereto as Exhibit I is a copy of UCS' July 14, 2022, Supplemental Letter submitted to the SDHR in reply to Plaintiff DiPierro's undated response Letter, including the single exhibit submitted therewith.

12. Attached hereto as Exhibit J is a copy of the SDHR's Determination and Order, dated July 25, 2022, determining—after investigation—that no probable cause exists to support Plaintiff DiPierro's claims of discrimination.

13. Attached hereto as Exhibit K is a copy of Plaintiff DiPierro's second complaint (Case No. 10217192), dated May 3, 2022, made to the SDHR.

14. Attached hereto as Exhibit L is a copy of UCS' June 10, 2022, Position Letter submitted to the SDHR in response to Plaintiff DiPierro's Complaint (Case No. 10214629), without exhibits. Please note that all exhibits submitted by UCS in support of its Position Letter are included herein as attachments to this declaration. To date, the SDHR has not issued a Determination and Order on Plaintiff DiPierro's second complaint.

15. Attached hereto as Exhibit M is a copy of the (i) Verified Petition and Complaint in the matter of *Brignell v. UCS*, Index No. E2022-0241 (Sup. Ct., Steuben Co.), in which Plaintiff DiPierro is a named petitioner-plaintiff and a copy of the (ii) court's Order, dated April 13, 2022, denying the petition and dismissing the proceeding-action.

Plaintiff Zweig's Division of Human Rights Complaint and Related Litigation

16. Attached hereto as Exhibit N is a copy of Plaintiff Zweig's September 20, 2021, request to be exempt from UCS' COVID-19 vaccine mandate.

17. Attached hereto as Exhibit O is a copy of UCS' November 10, 2021, letter to Plaintiff Zweig seeking more information in support of her exemption request.

18. Attached hereto as Exhibit P is a copy of Plaintiff Zweig's November 17, 2021, response to UCS' request for more information.

19. Attached hereto as Exhibit Q is a copy of UCS' December 29, 2021, letter to Plaintiff Zweig denying her request and directing her to comply with the vaccine mandate.

20. Attached hereto as Exhibit R is a copy of Plaintiff Zweig's complaint (Case No. 10216645), dated April 7, 2022, made to the SDHR.

21. Attached hereto as Exhibit S is a copy of UCS' May 24, 2022, Position Letter submitted to the SDHR in response to Plaintiff Zweig's Complaint (Case No. 10216645),

without exhibits. Please note that all exhibits submitted by UCS in support of its Position Letter are included herein as attachments to this declaration.

22. Attached hereto as Exhibit T is a copy of the SDHR's Determination and Order, dated August 26, 2022, determining—after investigation—that no probable cause exists to support Plaintiff Zweig's claims of discrimination.

23. Attached hereto as Exhibit U is a copy of the (i) Verified Petition in the matter of *Ferrelli v. State of New York*, Index No. 31506/2022 (Sup. Ct., Rockland Co.) in which Plaintiff Zweig is a named petitioner and a copy of the (ii) court's Order, dated August 2, 2022, dismissing the action.

24. Attached hereto as Exhibit V is a copy of the Complaint in the matter of *Coughlin v. UCS*, 22-cv-4002 (EDNY) in which Plaintiff Zweig is a named plaintiff.

WHEREFORE, Defendants UCS and OCA respectfully request that the Court issue an order granting their motion to dismiss plaintiffs' Complaint in its entirety and granting such other and further relief as the Court deems just, proper, and appropriate.

Pursuant to 28 U.S.C. § 1746 I declare under penalty of perjury that the foregoing is true and correct. Executed on March 14, 2023.

/S/
MICHAEL J. SIUDZINSKI